Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

8 May 2018

Original: English

Second session
Geneva, 23 April–4 May 2018

Comments on the Chair's summary (NPT/CONF.2020/PC.II/CRP.3)

Working paper submitted by Brazil*

Brazil would like to register the following comments on the substance and structure of document (NPT/CONF.2020/PC.II/CRP.3):

- Cannot agree with all uses of "States parties" formulations throughout the document, if intended to indicate areas of agreement or consensus.
- References to stability in para 1 and in other paras not acceptable as NPT does not include stability as condition for the fulfillment of its obligations.
- The idea of a "recommitment" RevCon in 2020 in para 6 requires further discussion.
- There is urgent need to disarm, not to "safeguard gains made in disarmament" as inadequately stated in para 7.
- There is a missing reference to INFCIR/540 (corrected) in para 6 as a requirement for non-NPT nuclear possessing states. It was present in last years' factual summary. On the other hand, there is an inadequate attempt to imply the AP, together with comprehensive safeguards, is some sort of new standard under the NPT. The last phrase of para 53, to this effect, is inaccurate and, therefore, unacceptable. Consolidated language in IAEA resolutions on safeguards states unequivocally that "in the case of a State with a comprehensive safeguards agreement supplemented by an additional protocol in force, these measures represent the enhanced verification standard for that State".
- Creating conditions for further progress on nuclear disarmament is not a treaty backed concept and should be suppressed. It is a minority view, at best, and cannot not be as prominently captured.
- Gender concerns were expressed with a view to enhancing women's participation in disarmament because there is a deficit. The intention was not to refer to women as if their role currently already equates with that of men, as para 10 seems to imply.

* The present document is being issued without formal editing.

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- Brazil proposes harmonizing references to disarmament, non-proliferation and peaceful uses, in this order, as it appears in para 78, for example, and not in a reversed order as it appears in para 10, for example.
- "Elimination of nuclear arsenals" in para 12; does not fully translate the NPT's obligation on disarmament. The concept of disarmament per se needs to be adhered to.
- The principle of equal and undiminished security for all, as it appears in para 14, has been previously expressed as increased and undiminished security for all. There is no consensus on changed formulations.
- It should not be the prerogative of NWS to nominally register their opposition to specific issues, as in para 15, especially when none of the oppositions of other states parties to other formulations has been captured in the remainder of the text.
- Expression of "concern" in para 15 is too soft.
- Call to "refrain" in para 16 is also too soft.
- Para 19 attempts to reconcile opposing narratives. But one of them, regarding a continued role for credible nuclear deterrence, is not backed by the treat and not supported by the majority.
- Several delegations stated that there is a new qualitative nuclear arms race currently at play, which threatens the NPT acquis both in disarmament and non-proliferation. The reference in the same para to only "some" modernizations programs being inconsistent with the NPT is not enough: any modernization program would be contrary to the Treaty's purposes and objectives.
- This trend is compounded by the persistent lack of implementation of Article 6 and related commitments agreed to in 1995, 2000 and 2010, which has been referred to by a vast number of delegations, but has not been explicitly reflected in the Chair's summary.
- We are deeply concerned with the tendency to promote an underlying narrative which opposes disarmament to security and indirectly gives credence to the validity, questioned by several delegations, of the logic behind deterrence doctrines.
- The NPT is not a Treaty on deterrence; rather, the rationale behind it is that nuclear weapons are Jangerous and destabilizing. Why else would States parties agree not to pursue them and, for those who already had them, to disarm.
- Individualized paras for each of the five NWS to state their views is a privilege not extended to NNWS and should be reconsidered.
- Risk reduction is not yet a consensus area for consideration in 2020, as seems to imply para 29. To call NWS to take risk-reduction measures, "where possible", seems to suggest we agree there are areas where this is not possible.
- Credible verification and compliance mechanism for nuclear disarmament can be considered an effective measure under Article VI if implemented within a framework of legally binding disarmament obligations and commitments.
- Reference to "national security considerations" in para 30 on IPNDV is unclear and seems inappropriate.
- Urgency of bringing CTBT into force should be attributable to "States Parties", as it is a sentiment shared by all.
- Cannot agree with formulation in para 34, which seems to imply an obligation only for CTBT signatories and ratifying countries to upholding the CTBT normative without the treaty having entered into force.

- The potential of an FMT also attaches to nuclear disarmament, encompassing existing stocks, and this should be stated in para 35.
- The view on para 37 that a moratorium on the production of FM dos not have a clear-cut definition requires further clarification.
- The comprehensive convention approach to nuclear disarmament in para 38, and the progressive approach in para 39 and then the reference to the TPNW in para 40 are clearly unbalanced, and do not reflect the gist of statements.
- Reference to TNPW in para 40 falls short. Several delegations made extensive references to the treaty, its content and relevance. We need to do justice to actual statements made in the plenary.
- Agreement on the establishment of subsidiary bodies of the RevCon as suggested in para 43 requires a broader view of the conference.
- In para 44, the word encourage is too soft, NWS should be "called upon" to review or withdraw their reservations on security assurances given to NWFZ.
- We appreciate the presentation on the Group of Eminent Persons, but cannot "welcome" it, as in para 45, while only noting the TPNW in para 40.
- With regard to the paragraphs on non-proliferation and the application of safeguards, we are disappointed to find no mention of ABACC, a widely recognized contribution to non-proliferation, safety and security, and a unique and effective model for bilateral cooperation on nuclear safeguarding.
- The primary responsibility of the UNSC regarding compliance issues of the NPT is shared with the General Assembly. This reference needs to corrected, as per agreed language of the 2010 RevCon. Or, alternatively, specifically associated with Article X only.
- Limitations and restrictions on exports, as referenced in para 74, also needs to be linked with the inalienable rights of NNWS of the NPT to develop, research, production and use of nuclear energy, as in para 93.
- Contributions of NWFZ to disarmament and non-proliferation should be welcomed, not just "emphasized", as in para 77.
- Final phrase of para 84, establishing conditions for a MEZFNW is possibly the point of view of only one state party and needs to be toned down accordingly.
- Strong support for JCPOA, mentioned in para 88, was in fact an overwhelming support, and was not simply a reiteration, it was a strongly expressed view that relates with the current circumstances.
- There is an unwarranted conditioning of the right to peaceful uses in the final phrase of para 93, which places international cooperation agreements and arrangements above the right of states parties to their choices and decisions in the field of peaceful uses.
- Brazil spoke against a more flexible approach to Review Conference outcome documents in para 114. We stand ready to further discuss these and other organizational issues constructively.
- We reiterate that accepting a clear prohibition of nuclear weapons under the TPNW, and working towards its strengthening and implementation, is the new standard for nuclear disarmament and non-proliferation, including in respect of nuclear safety and security.